

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPURSINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.WRIT PETITION NO.752 OF 2006PETITIONERS

1. Ashok Singh S/o Pashupati Singh, aged about 40 years
2. Santosh Singh S/o Pashupati Singh, aged about 35 years

The petitioners are resident of Mission Chowk, Ring Road Ambikapur, District Surguja, C.G.

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through the Collector Surguja C.G.
2. Municipal Corporation Ambikapur, Through The Commissioner Municipal Corporation Ambikapur, District Surguja C.G.
3. Shri Lokeshwar Sahu, Commissioner Municipal Corporation Ambikapur, District Surguja C.G.
4. Shri Amit katariya, IAS Trainee, Collectorate Surguja, Ambikapur, District Surguja C.G.
5. Shri Siddharth Komal Pardesi, Sub Divisional Officer Police, Ambikapur, District - Surguja C.G.

Present :

Shri A.V. Shridhar. learned counsel for the petitioners.
Shri Sanjay S. Agrawal, learned Govt. Adv., for the State.

ORAL ORDER

(Passed on 14th February, 2006)

The dispute brought before this Court by way of this writ petition centers-around the entitlement of the petitioners to land property.

It is alleged that the officers of the Municipal Corporation, Ambikapur, the second respondent herein, for the purpose of road widening have encroached upon the property of the petitioners and demolished the construction existing thereon. It is quite often said and reiterated by the Courts that under Article 226 of the Constitution, title questions or questions relating to possessions of the parties, cannot be gone into for the simple reason that no effective legal remedies can be granted to parties without trial of issues and without permitting the parties to lead evidence and tender them for cross-examination by each other. Be that as it may, admittedly, the complained act took place in the middle of January 2006. If the petitioners have sustained any legal injury on account of the alleged wrongful acts on the respondents – State and State authorities, it is open for the petitioners to work-out private law review remedies, such as, declaration, injunction and damages before the jurisdictional civil Court. In that view of the matter, I dismiss the writ petition, however, reserving liberty to the petitioners to work-out their legal remedies as indicated above. No costs.

Sd/-
S.R. Nayak
Chief Justice

bejud